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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,802

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EXAMINER

PENDLETON, DIONNE

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,802	<b>Applicant(s)</b> YAMASAKI ET AL.	
	<b>Examiner</b> DIONNE H. PENDLETON	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 10-13, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 14-19** are rejected under 35 U.S.C. 102(e) as being anticipated by

**Yasuhara Pub. No. US 2003/0053638 A1.**

#### **Regarding claim 14,**

Yasuhara teaches a vehicular audio system, comprising:

A body device (**see “2” in figures 1, 3 and 9; alternatively, see “88” in figure 9**)

arranged on a front side of a vehicular compartment;

a plurality of sound sources (**see paragraph [0054]**);

a front operation unit for operating the body device on the front side of the vehicular compartment and for turning on a power supply to the vehicular audio system (**see “21” in figure 9**);

a rear operation unit (**“23” in figure 8**) for operating the body device remotely on a rear side in the vehicular compartment (**paragraph [0053] discloses that unit “23” makes possible the operation of rear controller “3” and remote controller “14”**)

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and for turning on a power supply to the vehicular audio system (**paragraph [0053] discloses that unit “23” functions to enable operation of the rear controller “3” via switch “94”, thus corresponding to “turning on a power supply to the vehicular audio system”**).

a first sound output unit **(10,11)** for outputting sound based on sound signals from one of the sound sources;

a second output **(12,13)** unit for outputting sound based on a sound signal from the sound sources;

an external electronic device connected with the body device and capable of turning on a power supply to the vehicular audio system (**paragraph [0057] teaches that when a DVD is inserted into DVD player “4”, the rear system, which is part of the vehicular audio system, is turned on, thus reading DVD player “4” as the “external electronic device”**);

wherein the body device (**corresponding to any one of “2” or “88” in figure 9**) responds to predetermined operation from at least one of the front operation unit **(21)**, rear operation unit **(14)**, and the external electronic device **(4)**, as shown in figure 9;

a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (**see “front control mode” in paragraph [0051]**),

and a

second mode, in which while the sound based on the sound signals from one of the sound source are being output from the first output unit **(10)**, the sound based on the sound signals from another sound source are output from the second output unit **(12,13; see para [0122]), as well as paragraph [0013]);**

wherein a control unit **(“80” in figure 9)** controls the body device to set the first mode or the second mode when the power supply to the acoustic device is turned on by the front operation unit,

and controlling the body device to set the second mode and

controlling the first output unit to be in a muted state when the power supply to the vehicular audio system is turned on by the rear operation unit or external electronic device **(22) (paragraph [0122] teaches that If the rear system is turned on with the press of the rear power switch 22 in the 4-speaker state and the rear audio source is different from the front audio source, the two rear speakers 11 are disconnected, i.e., “muted”, thus implementing a 2-speaker state in which only the two front speakers 10 are connected to the front audio source).**

**Regarding claim 15,**

Yasuhara teaches a speaker output switching unit **(“92” in figure 9)** for selecting at least one sound source **(“82” – “85” in figure 9)** for output from the first output unit **([see paragraph [0124]);**

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A headphone output switching unit (**included in “88” in figure 9 as a function of enabling the rear unit “3” in figure 1**) for selecting a sound source for output from the second output unit (**“12” and “13” in figure 1**);

A first mute circuit, as claimed (**see disconnect of speaker “11”, as discussed in [0122]**);

A second mute circuit, as claimed (**see disconnect of headphones “12” and “13” as discussed in [0121]**);

A display unit (**“28” and “29” in figure 9**) for displaying information;

And a microcomputer (**“80” in figure 9**) for controlling the body device (**corresponding to any one of “2” or “88” in figure 9**).

**Regarding claim 16,**

Yasuhara teaches that the microcomputer comprises:

A mode setting storage unit, comprising:

A first mode setting memory for storing a set content, *as broadly claimed*, of the first mode (**see paragraph [0094]**);

A second mode setting memory for storing a set content, *as broadly claimed*, of the second mode (**see paragraph [0110]**);

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And a last information storage unit for storing, just before the body unit is turned OFF, a sound source relating to the sound source of the last sound signals coming from the sound source that was output from the first output unit **(see paragraph [0095]);**

A display control unit for controlling the display unit **(see buttons in Figure 5);**

A control unit for controlling the microcomputer **(see buttons in Figure 3);**

A mute control unit for controlling the first mute circuit and second mute circuit on the basis of content of first mode and second modes **(see paragraphs [0121-0122]).**

**Regarding claim 17,**

Yasuhara teaches that when the second mode is set and the body device **(88)** is turned ON in response to a power ON demand signal from the rear operation unit or external electronic control device while the body device is OFF, the display unit displays information regarding the sound signals coming from the sound sources set in the muted state by the first mute circuit **(even in 2-speaker state, the “front” display in Figure 5 indicates the sound source of the signals, *special attention* to the teaching that in 2-speaker state, the rear speakers are muted from producing audible signals from the source which is indicated [0122].)**

**Regarding claim 18,**

Yasuhara teaches that the muted state of speaker “11” is reversed dependent upon the sound source for the rear controller **(“3” in figure 1)** matching the sound

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source for the front unit (**“2” in figure 1**), interpreted as corresponding to “the muted state is releasable by the operation of the front operation unit”.

**Regarding claim 19,**

Yasuhara teaches that the external electronic device (**“4” in figure 1**) is arranged on the rear side of the vehicular compartment.

***Allowable Subject Matter***

2. Claims 1-7, 10-13, 20 and 21 are allowable over the prior art of record as for the reasons provided by applicant in the Remarks 9/18/09.

***Response to Arguments***

3. In Response To Applicant's Arguments That **Yasuhara Does Not Teach Or Suggest “... Controlling The Front Speakers Of The First Output Unit To Be In A Muted State When The Power Supply To The Acoustic Device Is Turned On By The Second Operation Unit”**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *controlling the front speakers of the first output unit to be in a muted state*) are not recited in claim 14. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



Applicant has elected not to amend claim 14 to specifically recite that the *front* speakers, are muted in response to being turned on by the second operation unit. The Examiner has previously indicated that rear speakers **(11)** are interpreted as corresponding, at least in part, to the “first output unit”, and has further indicated that **paragraph [0122]** of Yasuhara teaches muting speakers **(11)** when the device is turned on by the second operation unit **(any one of “22” in figure 3, or “4” in paragraph [0057])**. The rejection is therefore maintained.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/  
Examiner, Art Unit 2627

/Thang V. Tran/  
Primary Examiner, Art Unit 2627